



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	
Xiao-Chun (Chris) Le)	Group Art Unit: 1639
Application No.: 10/763,259)	Examiner: TERESA D. WESSENDORF
Filed: January 26, 2004)	Confirmation No.: 6473
For: DETECTION OF BINDING)	
FACTORS WITH FLUORESCENCE)	
POLARIZATION)	

DECLARATION PURSUANT TO 37 C.F.R. 1.131

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Xiao-Chun (Chris) Le declare:

1. I am the sole inventor of U.S. Patent Application Serial No. 10/763,259 ("the '259 application"), filed January 26, 2004.
2. I am a co-author of a publication titled "Studies of Protein-DNA Interactions by Capillary Electrophoresis/Laser-Induced Fluorescence Polarization" published in *Analytical Chemistry*, 72 (2000) pp. 5583-89.
3. It is my understanding that the Patent Office has relied on the *Analytical Chemistry* paper to reject Claims 2, 11-12, 16 and 24 of the '259 application. According to the Office Action mailed on December 12, 2007, the abstract of the *Analytical Chemistry* publication describes studies of protein-DNA interactions using "capillary electrophoretic separation of bound from free fluorescent probe followed by on-line detection with laser-induced fluorescence polarization.

Changes in electrophoretic mobility and fluorescence anisotropy upon complex formation were monitored for the determination of binding affinity and stoichiometry."

4. My post-doctoral trainee Qian-Hong Wan is also listed as an author of the *Analytical Chemistry* publication. The contributions of Dr. Wan to the cited publication involved testing features of the inventions of the '259 application. That testing was carried out under my direction and supervision. To the extent aspects of the inventions of the '259 application are disclosed in the *Analytical Chemistry* reference, those aspects were conceived solely by me in Alberta, Canada prior to the date the reference was published.

I declare that all statements made herein of our own knowledge are true, and all statements made on information and belief are believed to be true. Further, we are aware that any willful false statements and the like are punishable by fine, imprisonment, or both (18 U.S.C. § 1001), and that such willful false statements may jeopardize the validity of U.S. Patent Application Serial No. 10/763,259, and any patents and applications related thereto.

June 12, 2008
Date

Xiao-Chun (Chris) Le
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